

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

9976

FILE: B-194547

DATE: April 26, 1979

MATTER OF: Digital General Corporation

[Protest of Bid Rejection and Nonresponsibility Determination]

DIGEST:

Where small business concern is found to be nonresponsive by procuring activity, subsequent denial of Certificate of Competency by Small Business Administration is viewed as affirmation of nonresponsibility determination.

DLG-01464

AGC000001

AGC000002

Digital General Corporation (Digital) protests the Navy's rejection of its firm as nonresponsive under solicitation No. N00197-79-B-0004 and the denial by the Small Business Administration (SBA) of a Certificate of Competency (COC). The protester also objects to the perfunctory nature of the preaward survey and to the alleged inaccuracies contained in the Navy's preaward survey report.

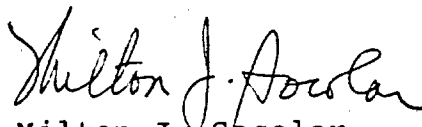
The Navy found Digital nonresponsive based on a negative preaward survey and proposed to reject its bid. The matter was referred for review to SBA and possible issuance of a COC. Digital submitted a detailed response to SBA's inquiries regarding the firm's "deficiencies" which had been noted in the preaward survey report. The SBA declined to issue a COC on March 7, 1979 and award was made to the second low bidder.

SBA's denial of a COC is an affirmation of the contracting officer's determination that Digital is nonresponsive. We will not question a contracting officer's determination that a small business concern is nonresponsive where, ~~as here~~, that determination has been affirmed by SBA after Digital ~~was~~ <sup>met</sup> provided an opportunity to respond to the "deficiencies" in

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the preaward survey. See Mainline Carpet Specialists, Inc., B-188792, June 8, 1977, 77-1 CPD 413.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar  
General Counsel